

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

TOWN OF WALKER

AI # 19112

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT**

LA. R.S. 30:2001, ET SEQ.

* **Settlement Tracking No.**

* **SA-WE-07-0047**

*

* **Enforcement Tracking No.**

* **WE-CN-04-0054, WE-C-97-0180**

* **WE-CN-98-0494, WE-CN-98-0494A**

* **WE-CN-98-0494B, WE-CN-01-0095**

* **WE-CN-01-0095A, WE-CN-02-0532**

* **WE-CN-02-0532A**

*

* **Docket No. 2004-3574-EQ**

SETTLEMENT

The following Settlement is hereby agreed to between Town Of Walker ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a governmental entity that operates a sanitary wastewater treatment facility in Walker, Livingston Parish, Louisiana ("the Facility").

II

On February 23, 2004, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-04-0054 (attached as Exhibit A), which was based upon the following findings of fact:

The Respondent owns and/or operates a sanitary wastewater treatment facility located at the intersection of Pleasant Ridge Drive and Betty Drive in Walker, Livingston Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System

(LPDES) permit LA0059951 with an effective date of August 1, 2001, and which expires on July 31, 2006. LPDES permit LA0059951 authorizes the Respondent to discharge treated sanitary wastewater and treated landfill leachate to Taylor Bayou, thence to Middle Colyell Creek, thence to Colyell Bay, thence to the Amite River, all waters of the state.

The Respondent was issued Compliance Order WE-C-97-0180 (attached as Exhibit B) on July 18, 1997. The relevant violations of the Compliance Order were reporting and monitoring violations, and exceedence of permit limits. The relevant requirements of the Compliance Order were to: cease all unauthorized discharges from the facility and take all steps necessary to meet and maintain compliance with its LWDPS permit; and submit a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance, and corrective or remedial actions taken to mitigate any damages resulting from the violations. Compliance Order WE-C-97-0180 is a final action of the Department and not subject to further review.

The Respondent was issued Compliance Order and Notice of Potential Penalty WE-CN-98-0494 (attached as Exhibit C) on January 8, 1999, Amended Compliance Order and Notice of Potential Penalty WE-CN-98-0494A (attached as Exhibit D) on March 29, 2000, and Amended Compliance Order and Notice of Potential Penalty WE-CN-98-0494B (attached as Exhibit E) on January 27, 2003. The relevant violations of the Compliance Orders were: exceedences of permit effluent limitations; failure to submit non-compliance reports in a timely manner; operation and maintenance deficiencies, including floating solids in the chlorine contact chamber and an inoperable flow meter; failure to submit Discharge Monitoring Reports (DMRs) in a timely manner; and failure to report upsets. The relevant requirements of the Compliance Order were to: cease all unauthorized discharges from the facility and take all steps necessary to meet

and maintain compliance with its LWDPS permit. This included, but was not limited to, submitting quarterly DMRs timely; properly operating and maintaining the facility; submitting quarterly reports for any required activity contained in the referenced Compliance Schedule; and submitting a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance, and corrective or remedial actions taken to mitigate any damages resulting from the violations. Amended Compliance Order WE-CN-98-0494B is a final action of the Department and not subject to further review.

The Respondent was issued Compliance Order and Notice of Potential Penalty WE-CN-01-0095 (attached as Exhibit F) on August 31, 2001, and Amended Compliance Order and Notice of Potential Penalty WE-CN-01-0095A (attached as Exhibit G) on May 21, 2002. The relevant violations of the Compliance Orders were: failure to submit a DMR for one monitoring period, and failure to submit DMRs in a timely manner; unauthorized discharge of treated sanitary wastewater and treated landfill leachate to waters of the state; exceedences of permit effluent limitations; failure to submit noncompliance reports (NCRs); failure to re-apply for a permit in a timely manner; and failure to sample as required by the permit. The relevant requirements of the Compliance Order were to comply with the interim limits as set forth in WE-CN-01-0095 and submit to the Enforcement Division, within thirty (30) days of the Order, a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance with the Order and corrective or remedial actions taken to mitigate any damages resulting from the violations. Amended Compliance Order WE-CN-01-0095A is a final action of the Department and not subject to further review.

The Respondent was issued Compliance Order and Notice of Potential Penalty WE-CN-02-0532 (attached as Exhibit H) on November 12, 2002, and Amended Compliance Order and

Notice of Potential Penalty WE-CN-02-0532A (attached as Exhibit I) on May 30, 2003. The relevant violations of the Compliance Orders were: exceedences of permit effluent limitations; failure to conduct biomonitoring retests; failure to submit non-compliance reports; failure to conduct proper sampling; and failure to submit accurate DMRs. The relevant requirements of the Compliance Orders were to take any and all steps necessary to meet and maintain compliance with its LPDES permit, and submit to the Enforcement Division, within thirty (30) days of the Order, a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance with the Order and corrective or remedial actions taken to mitigate any damages resulting from the violation. Amended Compliance Order WE-CN-02-0532A is a final action of the Department and not subject to further review.

A file review conducted by the Department on February 2, 2004, revealed the following permit excursions as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
05/2003	001	Fecal Coliform Weekly Average	400 col/100 ml	3074 col/100 ml
06/2003	001	Fecal Coliform Weekly Average	400 col/100 ml	1470 col/100 ml
07/2003	001	Fecal Coliform Weekly Average	400 col/100 ml	6000 col/100 ml
08/2003	001	TSS Monthly Average	15 mg/L	18 mg/L
08/2003	001	Fecal Coliform Monthly Average	200 col/100 ml	1179 col/100 ml
08/2003	001	Fecal Coliform Weekly Average	400 col/100 ml	6000 col/100 ml
09/2003	001	TSS Monthly Average	15 mg/L	15.1 mg/L
09/2003	001	Fecal Coliform Monthly Average	200 col/100 ml	230 col/100 ml
09/2003	001	Fecal Coliform Weekly Average	400 col/100 ml	6000 col/100 ml
10/2003	001	Fecal Coliform Weekly Average	400 col/100 ml	590 col/100 ml

Each excursion of the permit constitutes a violation of Amended Compliance Order and Notice of Potential Penalty WE-CN-98-0494B, Amended Compliance Order and Notice of Potential Penalty WE-CN-01-0095A, and Amended Compliance Order and Notice of Potential Penalty WE-CN-02-0532A, LPDES permit LA0059951 (Part I, Page 4 and 5 and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

A file review conducted by the Department on or about February 2, 2004, revealed that the Respondent failed to submit Non-Compliance Reports (NCRs) for the above-referenced excursions. The Respondent's failure to submit NCRs is in violation of Amended Compliance Order and Notice of Potential Penalty WE-CN-98-0494B, Amended Compliance Order and Notice of Potential Penalty WE-CN-01-0095A, and Amended Compliance Order and Notice of Potential Penalty WE-CN-02-0532A, LPDES permit LA0059951 (Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.7.

A file review conducted by the Department on February 2, 2004, revealed that the Respondent failed to submit DMRs in accordance with their permit. Specifically, the Respondent failed to submit the quarterly Biomonitoring DMRs for November 2002 to January 2003 and May to July 2003, and the quarterly Copper and Zinc DMRs for November 2002 through October 2003. The Respondent's failure to submit DMRs is in violation of Amended Compliance Order and Notice of Potential Penalty WE-CN-98-0494B, Amended Compliance Order and Notice of Potential Penalty WE-CN-01-0095A, and Amended Compliance Order and Notice of Potential Penalty WE-CN-02-0532A, LPDES permit LA0059951 (Part II, Section A.10, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.L.4.a, and LAC 33:IX.2355.L.4.b.

The following violations, although not included in the foregoing enforcement actions, are nonetheless included within the scope of this settlement agreement.

Date	Outfall	Parameter	Limit	Sample
4/30/2003	001A	CBOD Weekly Average	15 mg/L	15.4 mg/L
1/31/2004	001Q	Total Copper		Failed to Sample
1/31/2004	001Q	Total Zinc		Failed to Sample
2/29/2004	001A	TSS Weekly Average	23 mg/L	26 mg/L
5/31/2004	001A	Ammonia Monthly Average	4 mg/L	4.06 mg/L
5/31/2004	001A	Ammonia Weekly Average	8 mg/L	9.65 mg/L
6/30/2004	001A	TSS Monthly Average	15 mg/L	17.87 mg/L
6/30/2004	001A	TSS Weekly Average	23 mg/L	25 mg/L
6/30/2004	001A	Fecal Coliform Wkly Avg	400 col/100 ml	588.84 col/100 ml
7/31/2004	001A	Fecal Coliform Monthly Avg	200 col/100 ml	288 col/100 ml
7/31/2004	001A	Fecal Coliform Wkly Avg	400 col/100 ml	5888 col/100 ml
7/31/2004	001S	Priority Pollutants		Failed to Sample
8/31/2004	001A	Fecal Coliform Monthly Avg	200 col/100 ml	1603 col/100 ml
8/31/2004	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1995 col/100 ml
9/30/2004	001A	Fecal Coliform Monthly Avg	200 col/100 ml	588 col/100 ml
9/30/2004	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1995 col/100 ml
9/30/2004	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1995 col/100 ml
9/30/2004	001A	Fecal Coliform Wkly Avg	400 col/100 ml	446 col/100 ml
9/30/2004	001A	Fecal Coliform Wkly Avg	400 col/100 ml	501 col/100 ml
10/31/2004	001A	Fecal Coliform Wkly Avg	400 col/100 ml	678.23 col/100 ml
10/31/2004	001Q	Total Copper Monthly Avg	0.138 lbs/day	2.525 lbs/day
10/31/2004	001Q	Total Copper Daily Max	0.328 lbs/day	2.525 lbs/day
1/31/2005	001A	Fecal Coliform Monthly Avg	200 col/100 ml	1653 col/100 ml
1/31/2005	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1995 col/100 ml
1/31/2005	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1995 col/100 ml
1/31/2005	001A	Fecal Coliform Wkly Avg	400 col/100 ml	630 col/100 ml
1/31/2005	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1995 col/100 ml
1/31/2005	001Q	Total Copper Monthly Avg	0.138 lbs/day	0.165 lbs/day
1/31/2005	001Q	Total Copper Daily Max	0.328 lbs/day	0.350 lbs/day
2/28/2005	001A	Fecal Coliform Wkly Avg	400 col/100 ml	794 col/100 ml
9/30/2005	001A	Fecal Coliform Wkly Avg	200 col/100 ml	1995 col/100 ml
12/31/2005	001A	Fecal Coliform Wkly Avg	200 col/100 ml	832 col/100 ml

Date	Outfall	Parameter	Limit	Sample
2/28/2006	001A	Ammonia Monthly Average	4 mg/L	6.72 mg/L
2/28/2006	001A	Ammonia Weekly Average	8 mg/L	14.8 mg/L
2/28/2006	001A	Fecal Coliform Wkly Avg	400 col/100 ml	549 col/100 ml
3/31/2006	001A	TSS Weekly Average	23 mg/L	26.15 mg/L
6/30/2006	001A	Fecal Coliform Monthly Avg	200 col/100 ml	336.9 col/100 ml
6/30/2006	001A	Fecal Coliform Wkly Avg	400 col/100 ml	3117.7 col/100 ml
7/31/2006	001A	Fecal Coliform Monthly Avg	200 col/100 ml	888.8 col/100 ml
7/31/2006	001A	Fecal Coliform Wkly Avg	400 col/100 ml	3152.1 col/100 ml
1/31/2007	001A	Ammonia Monthly Average	50 lbs/day	58.36 lbs/day
1/31/2007	001A	Ammonia Monthly Average	4 mg/L	7.03 mg/L
1/31/2007	001A	Ammonia Weekly Average	8 mg/L	13.55 mg/L
2/28/2007	001A	Ammonia Weekly Average	8 mg/L	11.25 mg/L
6/30/2007	001Q	Total Copper Monthly Avg	0.068 lbs/day	0.080 lbs/day
6/30/2007	001Q	Total Copper Wkly Avg	0.161 lbs/day	0.208 lbs/day
6/30/2007	001Q	Total Zinc Monthly Avg	0.56 lbs/day	0.608 lbs/day
6/30/2007	001Q	Total Zinc Wkly Avg	1.32 lbs/day	1.575 lbs/day
6/30/2007	001Q	Total Nickel		Failed to Sample
7/31/2007	001A	Fecal Coliform Wkly Avg	400 col/100 ml	2000 col/100 ml
9/30/2007	001Q	Total Copper Monthly Avg	0.068 lbs/day	0.106 lbs/day
12/31/2007	001Q	Total Copper Monthly Avg	0.068 lbs/day	0.194 lbs/day
12/31/2007	001Q	Total Copper Daily Max	0.161 lbs/day	0.194 lbs/day
1/31/2008	001A	Fecal Coliform Wkly Avg	400 col/100 ml	653.61 col/100 ml
2/29/2008	001A	Fecal Coliform Monthly Avg	200 col/100 ml	273.074 col/100 ml
2/29/2008	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1134.90 col/100 ml
2/29/2008	001A	Fecal Coliform Wkly Avg	400 col/100 ml	787.40 col/100 ml
3/31/2008	001A	Fecal Coliform Monthly Avg	200 col/100 ml	1244.13 col/100 ml
3/31/2008	001A	Fecal Coliform Wkly Avg	400 col/100 ml	645.89 col/100 ml
3/31/2008	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1294.22 col/100 ml
3/31/2008	001A	Fecal Coliform Wkly Avg	400 col/100 ml	6503.85 col/100 ml
3/31/2008	001A	Fecal Coliform Wkly Avg	400 col/100 ml	1477.5 col/100 ml
3/31/2008	001Q	Total Copper Monthly Avg	0.068 lbs/day	0.141 lbs/day
3/31/2008	001Q	Total Copper Daily Max	0.161 lbs/day	0.141 lbs/day

III

In response to the Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-04-0054, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00), of which Six Thousand One Hundred Sixty-Five and No/100 Dollars (\$6,165.00) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement.

VI

Respondent, in addition to the penalty amount specified in Paragraph V above and as part of this Settlement, agrees to expend the amount of Eighty Thousand and No/100 Dollars (\$80,000.00) to implement and/or perform the following beneficial environmental projects:

A. Beneficial Environmental Projects (BEP) Description and Cost

Town of Walker Sewer Improvements

1. New Force Main – Lift Station #10 to Park Street

The Town of Walker will be responsible for the replacement of over 5,800 feet of pipe with a 6" force main along Highway 190. The reason this area was chosen is because residents are experiencing sewer backup into their homes and apartments due to deficiencies in the sewer lines and the capacity of the lines. This project will serve over one-hundred households in addition to future development in this area. The Town of Walker will be responsible for all costs including those which exceed the approved BEP cost of Seventy

Thousand and No/100 Dollars (\$70,000.00). The project, which includes permitting, design, and construction, will take approximately eighteen (18) months to implement.

Item	Estimated Completion Date*
Design	120 days
Permitting	120 days
Bidding	120 days
Award of Bid and Startup	30 days
Construction	120 days
Misc. Issues	30 days
Total:	540 days

* Timeline begins after Settlement Agreement is Final

2. Environmental Public Awareness Projects

This program is defined as publications, broadcasts, tours, seminars, or any other effort necessary that underscore for the regulated community the importance of complying with environmental laws or disseminating technical information about the means of complying with environmental laws. The Environmental Public Awareness Projects will include the following:

- a.) The Town of Walker or its designee will implement an environmental education outreach program to provide information to the public on the necessity for effective sewage treatment, the technological methods of accomplishing this treatment, and the numerous ways sewage may be treated. Particular emphasis will be placed on the development of new protocols to implement at the Town of Walker Wastewater Treatment Plant (WWWTP). Informational tours of the WWWTP will be scheduled throughout the year to inform target groups of the importance of the WWWTP and the public health impact the WWWTP serves for the community. Target groups may include, but may not be limited to scientists, schools, science clubs, and any other interested parties. This tour will include field trips and may include classroom presentations complete with handouts and video presentations.
- b.) The Town of Walker or its designee will interface with school science classes and science clubs to enhance student knowledge of sewage treatment, its importance and public health impact. The presentations will inform the school groups of the many individual activities which affect the quality of inflow to the WWWTP, therefore affecting the quality of life in Walker, LA.

- c.) The Town of Walker or its designee will conduct presentations to local civic and professional organizations in an effort to enhance the public knowledge of sewage treatment and its effect on the environment. These organizations may include the local Rotary Club, Kiwanis Club, and PTA groups.

The Town of Walker will be responsible for all costs of the Environmental Public Awareness Projects including those which exceed the approved BEP cost of Ten Thousand and No/100 Dollars (\$10,000.00) as set forth above. The Town of Walker or its designee will document all of the above mentioned efforts and will submit its documentation to LDEQ on a quarterly basis. The Environmental Awareness Projects shall be completed within eighteen (18) months effective the date of signing of this settlement.

B. Special Project:

1. Greenwich Village Water Improvements

The improvements to the Town of Walker Water System will consist of installing a 6" diameter main with associated accessories to replace the existing 2" line in an area known as Greenwich Village. By replacing these lines and accessories, the citizens in this area will obtain an increase in water pressure and an increase water quality due to the steel pipes which are currently in place.

Fire hydrants will be included in this project to ensure the safety of nearby residents. The Town of Walker will be responsible for all costs including those which exceed the approved Special Project cost of Two Hundred Thirty Thousand and No/100 Dollars (\$230,000.00). The project, including design, permitting, and construction will take approximately eighteen (18) months.

Item	Estimated Completion Date*
Design	90 days
Permitting	90 days
Bidding	90 days
Award of Bid and Startup	30 days
Construction	210 days
Misc. Issues	30 days
Total:	540 days

* Timeline begins after Settlement Agreement is Final

C. Reports:

Respondent shall submit quarterly reports regarding its progress on all the projects. The first shall be due on the 5th of the month following the date the Department signs this Settlement. Quarterly reports shall be submitted on the 5th of the 1st month of each quarter thereafter until the project is completed. Each such quarterly report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Upon completion of all projects required under this Settlement, Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the projects listed above. It shall also contain a certification that the projects were completed as described.

D. Total Expenditure:

If Respondent does not spend the total amount of Three Hundred Ten Thousand and No/100 Dollars (\$310,000.00) for the Beneficial Environmental Projects and the Special Project, then it shall, in its final report, propose additional projects for the Department's approval in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent or pay to the Department an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.

The total amount of money expended by Respondent on cash payments to DEQ, on beneficial environmental projects, and special projects as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VII

Respondent further agrees that the Department may consider the inspection report(s), the enforcement actions referred to herein and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VIII

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

IX

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Livingston Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the

Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit J).

XII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

TOWN OF WALKER

BY: _____
(Signature)

(Print)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of
_____, 20_____, at _____.

NOTARY PUBLIC (ID # _____)

(Print)

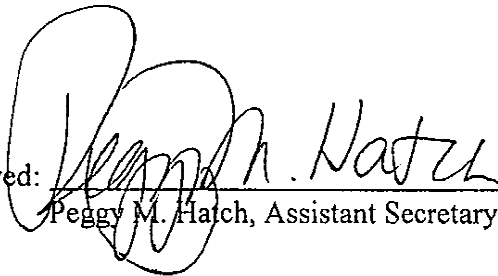
**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Harold Leggett, Ph.D., Secretary

BY: _____
Peggy M. Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of
_____, 20_____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(Print)

Approved:  _____
Peggy M. Hatch, Assistant Secretary